


Entered on Docket
July 01, 2010


Honorable John L. Peterson
United States Bankruptcy Judge

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*Proposed Counsel for Official Committee of
Equity Security Holders*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
SPECIALTY TRUST, INC., et al.

Debtor.

Chapter 11
Case No. BK-N-10-51432-GWZ
Jointly Administered

**ORDER GRANTING MOTION OF
OFFICIAL COMMITTEE OF
EQUITY SECURITY HOLDERS,
PURSUANT TO 11 U.S.C. §§ 105(a),
1102(b)(3) AND 1103(c), FOR *NUNC
PRO TUNC* ORDER CLARIFYING
REQUIREMENTS TO (1) PROVIDE
ACCESS TO INFORMATION, AND
(2) SOLICIT AND RECEIVE
COMMENTS FROM EQUITY
SECURITY HOLDERS**

Hearing Date: June 22, 2010
Hearing Time: 11:00 a.m.

Upon the motion (the "Motion"; capitalized terms used but not defined herein shall have the meanings given them in the Motion) filed on June 11, 2010 by the Official Committee of Equity Security Holders (the "Committee"), pursuant to 11 U.S.C. §§ 105(a), 1102(b)(3) and 1103(c) of title 11 of the United States Code (as amended, the "Bankruptcy Code"), for an order,

1 *nunc pro tunc* to May 25, 2010, clarifying the Committee's obligation to (1) provide access to
2 information to Equity Security Holders, and (2) solicit and receive comments from Equity
3 Security Holders; this Court having considered the Motion, and being fully advised of the
4 grounds for entry of an order set forth therein; appropriate notice and opportunity for a hearing on
5 the Motion having been given; the relief requested in the Motion being in the best interest of the
6 Debtors, their estates and their Equity Security Holders; this Court having jurisdiction to grant the
7 relief requested pursuant to 28 U.S.C. §§ 157 and 1334; venue before this Court is proper
8 pursuant to 28 U.S.C. §§ 1408 and 1409(a); this matter constituting a core proceeding pursuant to
9 28 U.S.C. § 157(b); and after due deliberation and sufficient cause appearing therefor,

10 IT IS HEREBY ORDERED THAT:

- 11 1. The Motion is granted, as modified hereby.
- 12 2. Notwithstanding anything contained in Section 1102(b)(3)(A) of the Bankruptcy
13 Code, the Committee, including its individual members, and their respective representatives,
14 advisors, agents, employees and counsel (the "Representatives"), shall not be authorized or
15 required, without an order of this Court or consent of the Debtors, which consent shall not be
16 unreasonably withheld, conditioned or delayed, to disseminate to any entity (as defined by
17 Section 101(15) of the Bankruptcy Code, "Entity"), including any Equity Security Holders that
18 are not members of the Committee ("Non-Committee Equity Security Holders"): (i) any non-
19 public information concerning the Debtors or the Committee, including, but not limited to, any
20 confidential, proprietary, or other non-public materials of the Debtors or the Committee and
21 documents, mental impressions, strategy, memoranda, expert reports, legal analysis, interview
22 memoranda or summaries, factual summaries, communications and other information and
23 materials relevant to the acts, conduct, assets, liabilities and financial condition of the Debtors,
24 the operation of the Debtors' businesses and the desirability of the continuance of such
25 businesses, any other matter relevant to these cases or to the formulation of a chapter 11 plan or
26 the Debtors' bankruptcy cases, whether provided voluntarily or involuntarily by or on behalf of
27 the Debtors or by any third party or prepared by or for the Committee, including any information
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1 designated as "Confidential" by the Debtors pursuant to any Confidentiality Agreement
2 (collectively, the "Confidential Information"), provided, however, that Confidential Information
3 shall not include any information or portion of information that (i) is or becomes generally
4 available to the public or is or becomes available to the Committee on a non-confidential basis, in
5 each case to the extent that such information became so available other than by a violation of a
6 contractual, legal, or fiduciary obligation to the Debtors, or (ii) was in the possession of the
7 Committee prior to its disclosure by or on behalf of the Debtors or by any third party and is not
8 subject to any other duty or obligation to maintain confidentiality; or (ii) any other information if
9 the effect of such disclosure would constitute a general waiver of the attorney-client, work-
10 product, or other applicable privilege possessed by the Debtors or the Committee (collectively,
11 "Privileged Information" and together with Confidential Information, the
12 "Confidential/Privileged Information").

13 3. The Debtors shall assist the Committee in identifying any Confidential/Privileged
14 Information concerning the Debtors that is provided by the Debtors, their agents or professionals,
15 or by any third party, to the Committee, its agents and professionals.

16 4. If an Equity Security Holder that is not a member of the Committee (the
17 "Requesting Holder") submits a written request (the "Information Request") for the Committee to
18 disclose information, the Committee shall immediately forward such request to the Debtors and
19 as soon as practicable, but no more than ten (10) business days after receipt of the Information
20 Request, provide a written response to the Information Request (the "Response") that (i) attaches
21 this Order; (ii) provides any non-confidential, non-proprietary, and non-privileged information in
22 the Committee's possession, which shall be determined in consultation with the Debtors, that is
23 responsive to the Information Request, unless the Committee determines, in its sole discretion,
24 that such request is unduly burdensome; and (iii) further informs the Requesting Holder that the
25 Committee is not permitted to share Confidential/Privileged Information with Non-Committee
26 Equity Security Holders. Under no circumstances shall the Committee share or disseminate

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1 Confidential/Privileged Information of the Debtors to any third parties, including, but not limited
2 to, the Requesting Holder, unless the Court expressly orders otherwise.

3 5. If the Requesting Holder still wishes to obtain Confidential/Privileged Information
4 after receiving the Response, the Requesting Holder may, after a good faith effort to meet and
5 confer with the Debtors and/or the Debtors' authorized representatives and professionals to
6 request that such information be provided, seek to compel such disclosure for cause pursuant to a
7 motion filed in this Court. Such motion shall be served and the hearing on such motion shall be
8 noticed and scheduled pursuant to the Federal Rules of Bankruptcy Procedure and applicable
9 local rules. The Court may provide that the motion be heard on shortened time. Any material that
10 the Committee believes is confidential that has been withheld shall be filed in camera with the
11 Court pursuant to Local Rule of bankruptcy Procedure 9018.

12 6. Nothing in the Order requires the Committee to provide access to any information
13 (regardless of whether such information constitutes Confidential Information or Privileged
14 Information) or solicit comments from any Entity that has not demonstrated to the satisfaction of
15 the Committee, in its sole discretion, or the Court, that it is an Equity Security Holder.

16 7. Neither the Committee nor its Representatives, shall have or incur any liability to
17 the Debtors and their affiliates for acts taken or omitted to be taken as long as the Committee or
18 its Representatives have acted in compliance with the Procedures, any Confidentiality Agreement
19 or any other provisions of this Order, provided, however, that the foregoing shall not preclude or
20 abridge the right of any equity holder to move before the Court for an order requiring the
21 production of other or further information, to the extent available.

22 8. Nothing herein shall diminish the qualified immunity under applicable law of the
23 Committee or its Representatives, or any of their respective agents, advisors or counsel.

24 9. If the Committee, including its Representatives, (i) disputes any person's
25 designation of any information as Confidential Information or (ii) seeks to disclose Confidential
26 Information otherwise prohibited, including, without limitation, in a Court proceeding related to
27 the Debtors' chapter 11 case, the Committee or its Representatives shall give the person
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1 designating such information as "confidential" (the "Protected Person") as much notice as
2 reasonably practicable under the circumstances, and in all events shall give the Protected Person
3 two days prior written notice of its intent to use or disclose such Confidential Information so as to
4 provide the Protected Person the opportunity to seek an order of the Court requiring that the
5 Confidential Information not be disclosed to any third party or shall only be disclosed to the
6 Court either in camera and/or under seal. In the event the Protected Person is not successful with
7 such motion, then a Committee and its Representatives shall be entitled to utilize the Confidential
8 Information nonetheless.

9 10. Nothing in this Order shall expand, restrict, affirm, or deny the right or obligation,
10 if any, of the Committee to provide access, or not to provide access, to any Confidential
11 Information to any party except as explicitly herein. The entry of this Order is (a) without
12 prejudice to the rights of the Committee to seek a further order of this Court addressing any
13 additional relief relevant to its functionality and compliance with section 1102(b)(3)(A) of the
14 Bankruptcy Code and (b) subject to further order of this Court.

15 11. If the Committee, including its Representatives, seeks to use any Confidential
16 Information in a pleading or hearing, the Committee may submit such information under seal, and
17 parties-in-interest may challenge the sealing of such Confidential Information with the ultimate
18 burden of maintaining such information under seal borne by the Debtors.

19 12. After providing as much advance notice to the Protected Person and their counsel
20 as is possible under the circumstances, if, in the absence of a protective order or the receipt of a
21 waiver hereunder subsequent to such notice, the Committee and its Representatives are
22 nonetheless compelled to disclose any Confidential Information to any tribunal or governmental
23 authority or else stand liable for contempt or suffer other censure or penalty, then the Committee
24 and its Representatives may disclose that portion of the Confidential Information which counsel
25 advises is legally required to be disclosed to such tribunal or governmental authority without
26 liability hereunder.

27 13. This Order shall be effective as of May 25, 2010.
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1 14. Consistent with the Committee's obligations and in aid of fulfilling its duties with
2 respect to the Debtors' bankruptcy cases, the By-Laws of Official Committee of Equity Security
3 Holders which are attached hereto as "Exhibit A," are hereby approved.

4 15. In satisfaction of its statutory obligations under Section 1102(b)(3)(B), the
5 Committee is authorized to hold periodic meetings open to all Equity Security Holders
6 represented by the Committee. Consistent with this obligation, the Committee shall provide
7 notice of the periodic meetings by posting the date and time of such meetings, along with dial-in
8 information, on the website of counsel for the Official Committee of Equity Security Holders
9 (<http://www.mcdonaldcarano.com> [link to Specialty Trust Equity Information]) no later than
10 fifteen (15) days before such meeting. Any Equity Security Holder wishing to participate in the
11 periodic meetings may elect to do so by calling in to participate at the designated date and time of
12 such meeting. For the avoidance of doubt, the Committee shall not provide any
13 Confidential/Privileged Information of the Debtors to any Non-Committee Equity Security
14 Holders attending in-person or appearing telephonically at the periodic meetings described in this
15 paragraph. If such Non-Committee Holder wishes to obtain additional information, such Non-
16 Committee Holder must submit a written Information Request to the Committee pursuant to
17 paragraph 5 of this Order. If the information sought constitutes Confidential/Privileged
18 Information of the Debtors, the Requesting Holder must comply with the procedures set forth in
19 paragraph 6 of this Order.

20 16. This Court shall retain jurisdiction with respect to all matters arising from or
21 relating to the implementation of this Order.

22 RESPECTFULLY SUBMITTED
23 MCDONALD CARANO WILSON LLP

24 By: /s/ Kaaran E. Thomas
25 Kaaran E. Thomas (NV Bar No. 7193)
26 100 West Liberty St., 10th Floor
27 Reno, Nevada 89505-2670
28 *Proposed Counsel for Official Committee of
Equity Security Holders*

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EXHIBIT A

EXHIBIT A

BYLAWS
OF
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF
SPECIALTY TRUST, INC., SPECIALTY ACQUISITION CORP., SAC II
AND SAC D-1, LLC Jointly administered under Case Number: 10-51432-gwz

MEMBERSHIP

A. Membership on the Official Committee of Equity Security Holders (the "Committee") shall consist of those holders of equity securities of SPECIALTY TRUST, INC., SPECIALTY ACQUISITION CORP., SAC II AND SAC D-1, LLC in the jointly administered Chapter 11 case no. 10-51432-GWZ filed in the United States Bankruptcy Court for the District of Nevada (the "Debtor"). Except as otherwise expressly set forth herein, each member of the Committee at a meeting shall be entitled to cast one vote. Questions brought before the Committee shall be decided by the vote of the members of the Committee entitled to vote as set forth below.

B. As of the date hereof, the Committee members/representatives are as follows:

Ballardini Family Trust/ James R. Cavilla, Esq.

Hotel-Casino Management, Inc. and Raymond J. Poncia, Jr. Family Trust/
Raymond J. Poncia, Jr.

Auspex, LLC and Kudu, LLC/ Peter Cladianos, Jr.

Art and Cindy Hinckley/ Art and Cindy Hinckley

Warren W. & Carol A. Tripp Family Trust/ Deric Dehenedetti

Additional members may be added to the Committee after the date hereof, if such member (1) is either designated by the U.S. Trustee assigned to the Debtors' bankruptcy cases to serve as an additional or replace an existing official member of the Committee and/or voted by a majority of the existing Committee members to serve in an *ex officio* capacity; (2) executes, agrees and consents to the Committee representation letter with Committee counsel; and (3) elects to be a member of the Committee.

C. Every member of the Committee may designate a representative and alternate to attend Committee meetings, provided such representative and alternate is an employee or retained professional of, or an attorney or attorney-in-fact for, such member. Any alternative designation must be made to the Chair prior to the relevant meeting. An alternate may represent a member of the Committee for all purposes at a meeting in the absence of the primary representative.

OFFICERS

A. Raymond J. Poncia, Jr. has been selected to serve as Chair of the Committee.

B. Unless the Chair waives the requirement for his presence in writing, which may include electronic mail, and circulates the waiver to all Committee members prior to a Committee meeting, the Chair shall be present at any regular or special meeting of the Committee in order to conduct Committee business and/or vote on particular matters. In any event, a quorum of Committee members must be present in order to conduct a regular Committee meeting.

QUORUM

A. A quorum shall consist of the number of members of the Committee necessary to constitute a simple majority of all official members of the Committee (i.e., the simple majority necessary to constitute a quorum shall be exclusive of any *ex officio* members of the Committee) at any given time, present in person (or telephonically) or represented by proxy.

B. Members of the Committee may only vote by their designated representative or designated alternates. Votes may be made by electronic mail.

C. Proxies in respect of specific meetings will be permitted, provided such proxy vote shall be confirmed in writing to the Chair by such voting member prior to the relevant meeting. Voting by a designated representative or alternate will not be deemed to be voting by proxy.

MEETINGS

A. No meeting shall be held unless a quorum is present at the beginning of the meeting.

B. Regular meetings shall be held by telephone and shall not be held on less than twenty-four (24) hours prior notice.

C. Special meetings may be held by telephone and may be called by the Chair on at least twelve (12) hours prior notice by telephone, electronic mail, or telecopy to each member, provided in an emergency the Chair may call a meeting on shorter notice. The primary purpose of the special meeting shall be set forth in the notice.

D. The Chair and/or Committee Counsel shall call all meetings and shall call special meetings whenever the Chair deems it appropriate or whenever requested to do so by any other member of the Committee. Notice of all regular meetings shall be given by electronic mail, overnight mail, regular mail, telecopy or telephone.

E. Because of the potentially sensitive, nonpublic nature of subjects that may be discussed by the Committee, meetings of the Committee shall not be open to persons

other than members of the Committee, their designated representatives, alternates and designated counsel, and professionals employed by the Committee, provided, however, the Committee, by affirmative vote of a majority of its voting interest, may, for special, limited purposes, permit other persons to attend. Notwithstanding the aforementioned nonpublic nature of certain subjects discussed by the Committee and without limiting the generality of the foregoing, the members of the Committee acting in such capacity and the Committee itself shall at all times act pursuant to their fiduciary duties to act in the best interest of unsecured creditors of the Debtors.

F. The Committee members shall each sign confidentiality agreements. A proposed form of confidentiality agreement drafted by the Debtor is attached.

G. The Chair, or such other person as the Chair may designate, shall preside at all meetings of the Committee.

AGENDA

A. To the extent possible, matters shall be presented to the Committee upon written agenda prepared by the Chair and/or Committee Counsel and transmitted to the Committee members as expeditiously as possible in advance of Committee meetings.

B. Any member may at any time place any matter before the Committee for its action, whether or not such matter is listed on the agenda.

ACTION BY COMMITTEE

A. Action by the Committee at a meeting shall require the affirmative vote of a simple majority of present members of the Committee, including any proxy votes but excluding abstentions, provided, however, the present members of the Committee constitute a quorum. The Chair, with the assistance of Committee Counsel and other Committee professionals, shall tally and record the votes of members of the Committee. The Chair's determination of the vote of the Committee with respect to any matter will be final.

B. In emergencies, action may be taken by Committee vote without a special meeting provided that the Chair determines, upon consultation with Committee Counsel, that the situation requires emergency action. In such cases, votes may be obtained by polling members on the issue by telephone, electronic mail, or telecopier. Polling may be conducted by the Chair, Committee Counsel, or an agent or employee of such persons. Such a vote shall be effective if a good-faith effort is made to reach and consult with each representative of the members of the Committee or their designated alternates with respect to the proposed action, and if, prior to the taking of such action, a simple majority of the members of the Committee present to vote or represented by proxy, excluding abstentions, approve the action, which approval shall be confirmed in writing, which may include electronic mail, to the Chair. The Chair or his designee shall provide prompt written notice of any such emergency action to each member who has not given approval.

C. The Chair and/or any designees selected by a simple majority of the

members of the Committee shall speak for the Committee as authorized by the Committee, and shall at times on behalf of the Committee provide instructions to the Committee counsel, the Committee accountants, and other professionals retained by the Committee. Committee Counsel and other professionals retained by the Committee are authorized to act upon the advice and instructions of the Chair and/or the Committee issued in accordance with the Bylaws. Committee Counsel will not consent to or evidence a Committee position on any matter except with the Committee's authority pursuant to the Bylaws.

D. Upon request by a member of the Committee, such member's vote on any matter shall be recorded in the minutes of the appropriate meeting.

INTER-ESTATE DISPUTES AND CONFLICTS OF INTEREST

If any matter under consideration by the Committee appears to involve a conflict of interest with, between, or among any member(s) serving on the Committee, the member(s) with the conflicting interest shall (1) disclose to the Committee the existence of any potential conflict of which it has knowledge and (2) abstain from voting on the matter being considered by the Committee if a conflict is deemed to exist. The existence of a conflict of interest shall be debated by the all members of the Committee present at such meeting (including the member with the apparent conflict) and shall be determined by the affirmative vote of a simple majority of the members of the Committee, provided however, that the present members of the Committee constitutes a quorum. The decision of the voting members of the Committee on the particular issue shall be binding on the entire Committee, including the member(s) with the conflicting interest. To the extent the member(s) with the conflicting interest is dissatisfied for any reason with the decision of the Committee's vote; such member(s) may, but is not required to, immediately resign from the Committee.

CONFIDENTIALITY OF INFORMATION

A. "Confidential Information" shall mean: (i) all deliberations of the Committee, discussions and votes on matters before the Committee at a meeting and the resolutions adopted by the Committee, (ii) all communications between or among any of the Committee, the Committee members, the members' designated representatives or alternates, the Committee's and the members' counsel and/or other professionals (it being further acknowledged that such communications also may be subject to the attorney-client privilege or other applicable privileges), and (iii) all information provided to the Committee by the Debtors, the Debtors' designated representatives, counsel and/or other professionals, and that is clearly marked by the Debtors or their professionals with the legend "Confidential" or with a similar legend, or if oral information, is clearly identified prior to being conveyed to the recipient as being "Confidential"; provided that with respect to each of subparagraphs (i), (ii) and (iii) the foregoing information is Confidential Information only to the extent that it relates directly to the Debtors' bankruptcy proceedings and/or the Committee's business relating thereto. Notwithstanding the foregoing, Confidential Information does not include information that: (a) is or becomes generally available to the public other than as a result of a

disclosure by the recipient member of the Committee in violation of these By-Laws; (b) is or becomes available to or in the possession of the recipient or the recipient's representatives or professionals on a non-confidential basis other than through membership on the Committee, provided that to the knowledge of the recipient the information source was not bound by a confidentiality obligation in favor of the disclosing entity; and/or (c) is independently developed by the recipient or its representatives or professionals.

B. Unless the Committee unanimously agrees otherwise, and subject to the requirements of Section 1102(b)(3) of the Bankruptcy Code or a final order of the Bankruptcy Court, and except as expressly provided in Paragraphs A through and including D, no member (including an ex officio member) of the Committee shall disclose Confidential Information.

C. Confidential Information may be disclosed by a member of the Committee to: (i) other members of the Committee, and those members' designated representatives, alternates and/or professionals, (ii) designated counsel and other professionals employed by the Committee (iii) potential debt or equity financing sources, which are involved in a transaction being evaluated by the Committee, (iv) any ex officio members or non-members of the Committee, to which the Committee elects to grant access to Confidential Information during periodic meetings arranged by the Committee (provided, however, that the ex officio members and/or non-member(s) gaining access to any Confidential Information shall provide written confirmation in advance of the meeting that such entity(ies) shall comply with the confidentiality provisions set forth herein); (v) that Committee member's affiliates and its directors, officers, employees, managers, members, partners, subsidiaries, affiliates, agents, advisors (including, without limitation, attorneys, accountants, consultants, bankers, appraisers and financial advisors), and/or potential debt or equity financing sources, provided in any event the member shall be responsible for any breach of the confidentiality provisions by such persons and/or entities; (vi) regulatory agencies where and to the extent required by law or regulation; (vii) that Committee member's outside auditors to the extent necessary for such outside auditor to conduct its audit of the Committee member, and/or (viii) such persons or entities as to which disclosure of such information is legally required in connection with a judicial or administrative proceeding.

D. The confidentiality provisions of Paragraphs A through D shall be binding upon the Committee and its members (including ex officio members and members that resign from the Committee prior to its dissolution) until six (6) months following the date of dissolution of the Committee (twelve (12) months for members following their resignation from the Committee if such resignation occurs prior to dissolution of the Committee) after which such confidentiality provisions shall no longer be binding upon the Committee and such members, ex officio members, and members that resign from the Committee prior to its dissolution.

SUBCOMMITTEES AND DESIGNEES

The Committee may create such subcommittees and/or designate particular members of the Committee as it deems appropriate and delegate to such subcommittees such powers and responsibilities as it deems necessary, as long as such appointment and delegation are approved by an affirmative vote of a simple majority of voting members present (exclusive of abstentions), provided, however, that such voting members constitute a quorum and the designee consents to serve in such capacity. The Chair shall be deemed members of each subcommittee.

RULES OF PROCEDURE

The Chair and Committee Counsel shall preside over all Committee meetings in a manner that promotes fairness, a full opportunity for analysis of all business coming before the Committee, and a full opportunity for each Committee member to express its views. Parliamentary procedure, such as "Robert's Rules of Order," need not be followed.

AMENDMENT TO BYLAWS

These Bylaws may be amended or repealed, by the affirmative vote of a simple majority of all voting members of the Committee, excluding abstentions.

The Committee, having reviewed these Bylaws and a quorum being present, adopted these Bylaws by the affirmative vote of a simple majority of all voting members of the Committee, excluding abstentions, at its meeting on May 25, 2010.

Ballardini Family Trust

/s/ James R. Cavilla, Esq.

By: James R. Cavilla, Esq.

Hotel-Casino Management, Inc.

/s/ Raymond J. Poncia, Jr.

By: Raymond J. Poncia, Jr.

Raymond J. Poncia, Jr. Family Trust

/s/ Raymond J. Poncia, Jr.

By: Raymond J. Poncia, Jr.

Auspex, LLC and Kudu, LLC

/s/ Peter Cladianos, Jr.

By: Peter Cladianos, Jr.

Art Hinckley

/s/ Art Hinckley

By: Art Hinckley

Cindy Hinckley

/s/ Cindy Hinckley

By: Cindy Hinckley

Warren W. & Carol A. Tripp Family Trust

/s/ Deric Debenedetti

By: Deric Debenedetti

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Electronically filed on June 30, 2010

*Proposed Counsel for Official Committee of
Equity Security Holders*

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

SPECIALTY TRUST, INC., et al.

Debtor.

**Case No. BK-N-10-S1432-GWZ
Jointly Administered**

Chapter 11

**ORDER GRANTING MOTION OF
OFFICIAL COMMITTEE OF EQUITY
SECURITY HOLDERS, PURSUANT TO 11
U.S.C. §§ 105(a), 1102(b)(3) AND 1103(c),
FOR NUNC PRO TUNC ORDER
CLARIFYING REQUIREMENTS TO (1)
PROVIDE ACCESS TO INFORMATION,
AND (2) SOLICIT AND RECEIVE
COMMENTS FROM EQUITY SECURITY
HOLDERS**

In accordance with LR 9021, counsel submitting this declaration certifies as follows
(check one):

☒ The court has waived the requirement of approval under LR 9021,
however, a copy of this proposed order was sent to Debtors' counsel as indicated
below.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the
hearing, I have delivered a copy of this proposed order to all counsel who
appeared at the hearing, any unrepresented parties who appeared at the hearing,
and each has approved or disapproved the order, or failed to respond, as indicated
below [list each party and whether the party has approved, disapproved, or failed
to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this
proposed order to all counsel who appeared at the hearing, any unrepresented
parties who appeared at the hearing, and each has approved or disapproved the
order, or failed to respond, as indicated below [list each party and whether the
party has approved, disapproved, or failed to respond to the document]:

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☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Name	Date Contacted	Agree	Disagree	Failed to Respond
Ira Kharasch Counsel for Debtor	June 23 via email	X		

SUBMITTED June 30, 2010

McDONALD CARANO WILSON LLP

By: /s/ Kaaran E. Thomas

Kaaran E. Thomas (NV Bar No. 7193)

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*Proposed Counsel for Official Committee of Equity
Security Holders*